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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,363	12/17/2003	Leonard R. Baublitz	0275Y-000760	8557

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EXAMINER

MOHANDESI, JILA M

ART UNIT PAPER NUMBER

3728

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/738,363	BAUBLITZ ET AL.	
	Examiner	Art Unit	
	Jila M. Mohandesi	3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-14 and 16-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,5-14 and 16-20 is/are allowed.
- 6) ☒ Claim(s) 25,31-34 and 37 is/are rejected.
- 7) ☒ Claim(s) 21-24,26-30,35 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 21-24 are objected to because of the following informalities: Claims 21-24 depend from cancelled claim 15. For the purposes of examination the examiner will treat these claims to depend from claim 14. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rackley (5,078,266). Rackley '266 discloses a display package comprising: a first blister portion; a second blister portion coupled to said first blister portion and defining an inner space there between; a first disk shaped article disposed in said inner space; and an insert card (41a & 45) disposed in said inner space; said insert card comprising: a first portion positioned at least partially on a first of said first disk shaped article; a second portion positioned at least partially on a second side of said first disk shaped article; and a connecting portion extending between said first and second portion and positioned at a periphery of said first disk shaped article. See Figures 4, 5 and 7 embodiments.

With respect to the insert card being unitary, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the inset unitary, since it has been held that forming in one piece an article which has formerly been

formed in two pieces and put together involves only routine skill in the art. Howard v. Detroit Stove Works, 150 U.S. 164 (1893).

4. Claims 31-34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rackley '266 in view of Baumann (2,061,426). Rackley '266 discloses a display package comprising: a first blister portion; a second blister portion coupled to said first blister portion and defining an inner space there between; a first disk shaped article disposed in said inner space; and an insert card (41a & 45) disposed in said inner space; said insert card comprising: a first portion positioned at least partially on a first of said first disk shaped article; a second portion positioned at least partially on a second side of said first disk shaped article; and a connecting portion extending between said first and second portion and positioned at a periphery of said first disk shaped article. See Figures 4, 5 and 7 embodiments. Rackley '266 does not appear to disclose for the stopper to preclude rotation of the saw blades and for the stoppers to be formed integrally. Baumann'426 discloses a display package for saw blades with a stopper (semicircular ring segment 18) formed on the outer circumferential boundary of the extension portion and cooperating with the saw blade to preclude rotation thereof. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a stopper on the outer circumferential boundary of the extension portion of Rackley '266 as taught by Baumann'426 to preclude rotation of the saw blade thereof.

With respect to claim 32, and a second stopper, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a second

stopper to the second extension portion, since it has been held that mere duplication and rearranging of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. V. Bemis Co.*, 193 USPQ 8 and *In re Einstein*, 8 USPQ 167.

With respect to the stoppers being integrally formed, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the stoppers integrally formed, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

5. Claims 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen '960 in view of Shindo et al. (6,837,370). Chen '960 discloses a display package comprising: a first blister (20) portion having a first extension portion; a second blister portion (30) coupled to said first blister portion and defining an inner space there between having a second extension portion; a first disk shaped article disposed in said first extension portion; a second disk shaped article disposed in said second extension portion; and a separator (50) disposed in said inner space between said first and second articles. See Figures 1 and 2 embodiments. Chen '960 does not appear to disclose a first and second stopper formed in the extension portions and the stoppers to be integrally formed. Shindo '370 discloses that it is desirable to provide stoppers on outer circumferential boundary of extension portions to maintain the disk in a given position therein. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide stoppers on the outer circumferential

boundary of the extension portion of Chen '960 as taught Shindo '370 by to better maintain the disk in a given position.

With respect to the stoppers being integrally formed, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the stoppers integrally formed, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

Allowable Subject Matter

6. Claims 1, 3, 5-14 and 16-20 are allowed.
7. Claims 21-24 would be allowable if rewritten to overcome the objection, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
8. Claims 26-30 and 35-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

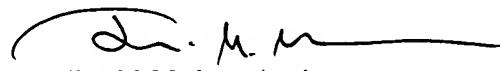
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jila M. Mohandesi whose telephone number is (571) 272-4558. The examiner can normally be reached on Monday-Friday 7:30-4:00 (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jila M Mohandesi
Primary Examiner
Art Unit 3728

JMM

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December 05, 2005

